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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
AILES, BENJAMIN A	
ART UNIT	**PAPER NUMBER**
2442	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/731,889	PATTERSON ET AL.	
	Examiner	Art Unit	
	BENJAMIN AILES	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/26/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to correspondence filed 26 August 2008.

2. Claims 1-30 remain pending.

Specification

3. Applicant's amendment to the specification has been entered into the record. The prior objection has been overcome and therefore withdrawn.

Claim Rejections - 35 USC § 101

4. Applicant's amendment to the specification in response to the prior rejection under 35 USC 101 has been entered into the record. The rejection has been overcome and therefore withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 4, 13 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Zimmerman et al. (US 7,321,936 B2), hereinafter referred to as Zimmerman.

7. Regarding claim 4, Zimmerman teaches a machine-readable medium for configuring a network device, the machine-readable medium carrying instructions which, when executed by one or more processors, cause the one or more processors to

perform the steps of: supplying first boot data to the network device (col. 3, ll. 13-15, client PC) over the network (col. 3, ll. 15-18, data is streamed from server to client), wherein processing of the first boot data by the network device during a first startup of the network device causes the network device to execute a provisioning process over the network (col. 3, ll. 22-27, initial data transfer facilitates establishment between server and client); instructing the provisioning process to supply one or more computer programs to the network device over the network (col. 3, 28-31, additional software is transferred to client PC); supplying second boot data to the network device over the network (col. 3, ll. 28-31, additional software is transferred to client PC), wherein processing of the second boot data by the network device during a second startup of the network device causes the network device to execute at least one of the one or more computer programs (col. 3, ll. 28-33, additional software includes operating system software that aids in starting up client PC).

8. Regarding claim 13, Zimmerman teaches a machine-readable medium for configuring a network device, the machine-readable medium carrying instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of: supplying first boot data to the network device (col. 3, ll. 13-15, client PC) over the network (col. 3, ll. 15-18, data is streamed from server to client), wherein processing of the first boot data by the network device during a first startup of the network device causes the network device to execute a provisioning process over the network (col. 3, ll. 22-27, initial data transfer facilitates establishment between server and client); instructing the provisioning process to supply one or more computer

programs to the network device over the network (col. 3, 28-31, additional software is transferred to client PC); supplying second boot data to the network device over the network (col. 3, ll. 28-31, additional software is transferred to client PC), wherein processing of the second boot data by the network device during a second startup of the network device causes the network device to execute at least one of the one or more computer programs (col. 3, ll. 28-33, additional software includes operating system software that aids in starting up client PC).

9. Regarding claim 22, Zimmerman teaches an apparatus for configuring a network device in a network, the apparatus comprising a memory storing instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of: supplying first boot data to the network device (col. 3, ll. 13-15, client PC) over the network (col. 3, ll. 15-18, data is streamed from server to client), wherein processing of the first boot data by the network device during a first startup of the network device causes the network device to execute a provisioning process over the network (col. 3, ll. 22-27, initial data transfer facilitates establishment between server and client); instructing the provisioning process to supply one or more computer programs to the network device over the network (col. 3, 28-31, additional software is transferred to client PC); supplying second boot data to the network device over the network (col. 3, ll. 28-31, additional software is transferred to client PC), wherein processing of the second boot data by the network device during a second startup of the network device causes the network device to execute at least one of the one or

more computer programs (col. 3, ll. 28-33, additional software includes operating system software that aids in starting up client PC).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1-3, 5, 8-12, 14, 17-21, 23 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman et al. (US 7,321,936 B2), hereinafter referred to as Zimmerman, in view of Iijima et al. (US 6,223,218 B1), hereinafter referred to as Iijima.

13. Regarding claim 1, Zimmerman teaches a method for configuring a network device, the method comprising the machine-implemented steps of: supplying first boot data to the network device (col. 3, ll. 13-15, client PC) over the network (col. 3, ll. 15-18,

data is streamed from server to client), wherein processing of the first boot data by the network device during a first startup of the network device causes the network device to execute a provisioning process over the network (col. 3, ll. 22-27, initial data transfer facilitates establishment between server and client); instructing the provisioning process to supply one or more computer programs to the network device over the network (col. 3, 28-31, additional software is transferred to client PC); supplying second boot data to the network device over the network (col. 3, ll. 28-31, additional software is transferred to client PC), wherein processing of the second boot data by the network device during a second startup of the network device causes the network device to execute at least one of the one or more computer programs (col. 3, ll. 28-33, additional software includes operating system software that aids in starting up client PC).

Zimmerman teaches the configuring a network device by supplying boot data needed to start up the network device but does not explicitly teach the configuring of a network to include the network device in a private virtual local area network (VLAN) and re-configuring the network to remove the network device from the private VLAN. However, in related art, Iijima teaches a virtual local area network configuration system wherein a network device can be easily connected and removed from a VLAN utilizing appropriate alteration requests which aid in the configuration of a network device new to a VLAN (col. 2, ll. 13-24). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the network alteration device capabilities taught by Iijima with the boot loading network device functions outlined by Zimmerman. One of ordinary skill in the art would have been motivated to incorporate

the teachings of Iijima with Zimmerman wherein Iijima teaches the need to enhance the setting of configuration data for network devices in a VLAN.

14. Regarding claim 2, Zimmerman teaches a machine-readable medium for configuring a network device, the machine-readable medium carrying instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of: supplying first boot data to the network device (col. 3, ll. 13-15, client PC) over the network (col. 3, ll. 15-18, data is streamed from server to client), wherein processing of the first boot data by the network device during a first startup of the network device causes the network device to execute a provisioning process over the network (col. 3, ll. 22-27, initial data transfer facilitates establishment between server and client); instructing the provisioning process to supply one or more computer programs to the network device over the network (col. 3, 28-31, additional software is transferred to client PC); supplying second boot data to the network device over the network (col. 3, ll. 28-31, additional software is transferred to client PC), wherein processing of the second boot data by the network device during a second startup of the network device causes the network device to execute at least one of the one or more computer programs (col. 3, ll. 28-33, additional software includes operating system software that aids in starting up client PC).

Zimmerman teaches the configuring a network device by supplying boot data needed to start up the network device but does not explicitly teach the configuring of a network to include the network device in a private virtual local area network (VLAN) and re-configuring the network to remove the network device from the private VLAN.

However, in related art, Iijima teaches a virtual local area network configuration system wherein a network device can be easily connected and removed from a VLAN utilizing appropriate alteration requests which aid in the configuration of a network device new to a VLAN (col. 2, ll. 13-24). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the network alteration device capabilities taught by Iijima with the boot loading network device functions outlined by Zimmerman. One of ordinary skill in the art would have been motivated to incorporate the teachings of Iijima with Zimmerman wherein Iijima teaches the need to enhance the setting of configuration data for network devices in a VLAN.

15. Regarding claim 3, Zimmerman teaches an apparatus for configuring a network device, the apparatus comprising a memory storing instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of: supplying first boot data to the network device (col. 3, ll. 13-15, client PC) over the network (col. 3, ll. 15-18, data is streamed from server to client), wherein processing of the first boot data by the network device during a first startup of the network device causes the network device to execute a provisioning process over the network (col. 3, ll. 22-27, initial data transfer facilitates establishment between server and client); instructing the provisioning process to supply one or more computer programs to the network device over the network (col. 3, 28-31, additional software is transferred to client PC); supplying second boot data to the network device over the network (col. 3, ll. 28-31, additional software is transferred to client PC), wherein processing of the second boot data by the network device during a second startup of the network device causes

the network device to execute at least one of the one or more computer programs (col. 3, ll. 28-33, additional software includes operating system software that aids in starting up client PC).

Zimmerman teaches the configuring a network device by supplying boot data needed to start up the network device but does not explicitly teach the configuring of a network to include the network device in a private virtual local area network (VLAN) and re-configuring the network to remove the network device from the private VLAN. However, in related art, Iijima teaches a virtual local area network configuration system wherein a network device can be easily connected and removed from a VLAN utilizing appropriate alteration requests which aid in the configuration of a network device new to a VLAN (col. 2, ll. 13-24). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the network alteration device capabilities taught by Iijima with the boot loading network device functions outlined by Zimmerman. One of ordinary skill in the art would have been motivated to incorporate the teachings of Iijima with Zimmerman wherein Iijima teaches the need to enhance the setting of configuration data for network devices in a VLAN.

16. Regarding claim 5, Zimmerman teaches the configuring a network device by supplying boot data needed to start up the network device but does not explicitly teach the configuring of a network to include the network device in a private virtual local area network (VLAN) and re-configuring the network to remove the network device from the private VLAN. However, in related art, Iijima teaches a virtual local area network configuration system wherein a network device can be easily connected and removed

from a VLAN utilizing appropriate alteration requests which aid in the configuration of a network device new to a VLAN (col. 2, ll. 13-24). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the network alteration device capabilities taught by Iijima with the boot loading network device functions outlined by Zimmerman. One of ordinary skill in the art would have been motivated to incorporate the teachings of Iijima with Zimmerman wherein Iijima teaches the need to enhance the setting of configuration data for network devices in a VLAN.

17. Regarding claim 8, Zimmerman and Iijima teach the method wherein the first boot data is a first boot loader script and the second boot data is a second boot loader script (col. 5, ll. 52-56, different streaming modules).

18. Regarding claim 9, Zimmerman and Iijima teach the method wherein the one or more computer programs include an operating system (col. 3, ll. 28-31, operating system code).

19. Regarding claim 10, Zimmerman and Iijima teach the method step of selecting the image data to be supplied to the network device based upon provisioning criteria (col. 3, ll. 25-31).

20. Regarding claim 11, Zimmerman and Iijima teach the method steps of:

supplying, over the network, the first boot data to a second network device that is different than the network device, wherein processing of the first boot data by the second device during a first startup of the second network device causes the second network device to execute the provisioning process over the network (col. 5, ll. 52-58, stream to multiple clients);

instructing the provisioning process to supply second image data to the second network device, wherein the second image data is different than the first image data and includes one or more other computer programs (col. 5, ll. 52-58, stream to multiple clients); and

supplying the second boot data to the second network device, wherein processing of the second boot data by the second network device during a second startup of the second network device causes the second network device to execute at least one of the one or more other computer programs contained in the second image data (col. 5, ll. 52-58, stream to multiple clients).

21. Regarding claim 12, Zimmerman and Iijima teaches the method wherein the step of instructing the provisioning process to supply image data to the network device over the network includes instructing the provisioning process to cause the image data to be retrieved from an image data repository and supplied to the network device over the network (col. 5, ll. 52-58, stream from server location).

22. Regarding claim 14, Zimmerman teaches the configuring a network device by supplying boot data needed to start up the network device but does not explicitly teach the configuring of a network to include the network device in a private virtual local area network (VLAN) and re-configuring the network to remove the network device from the private VLAN. However, in related art, Iijima teaches a virtual local area network configuration system wherein a network device can be easily connected and removed from a VLAN utilizing appropriate alteration requests which aid in the configuration of a network device new to a VLAN (col. 2, ll. 13-24). One of ordinary skill in the art at the

time of the applicant's invention would have found it obvious to combine the network alteration device capabilities taught by Iijima with the boot loading network device functions outlined by Zimmerman. One of ordinary skill in the art would have been motivated to incorporate the teachings of Iijima with Zimmerman wherein Iijima teaches the need to enhance the setting of configuration data for network devices in a VLAN.

23. Regarding claim 17, Zimmerman and Iijima teach the method wherein the first boot data is a first boot loader script and the second boot data is a second boot loader script (col. 5, ll. 52-56, different streaming modules).

24. Regarding claim 18, Zimmerman and Iijima teach the method wherein the one or more computer programs include an operating system (col. 3, ll. 28-31, operating system code).

25. Regarding claim 19, Zimmerman and Iijima teach the method step of selecting the image data to be supplied to the network device based upon provisioning criteria (col. 3, ll. 25-31).

26. Regarding claim 20, Zimmerman and Iijima teach the method steps of:

supplying, over the network, the first boot data to a second network device that is different than the network device, wherein processing of the first boot data by the second device during a first startup of the second network device causes the second network device to execute the provisioning process over the network (col. 5, ll. 52-58, stream to multiple clients);

instructing the provisioning process to supply second image data to the second network device, wherein the second image data is different than the first image data and

includes one or more other computer programs (col. 5, ll. 52-58, stream to multiple clients); and

supplying the second boot data to the second network device, wherein processing of the second boot data by the second network device during a second startup of the second network device causes the second network device to execute at least one of the one or more other computer programs contained in the second image data (col. 5, ll. 52-58, stream to multiple clients).

27. Regarding claim 21, Zimmerman and Iijima teaches the method wherein the step of instructing the provisioning process to supply image data to the network device over the network includes instructing the provisioning process to cause the image data to be retrieved from an image data repository and supplied to the network device over the network (col. 5, ll. 52-58, stream from server location).

28. Regarding claim 23, Zimmerman teaches the configuring a network device by supplying boot data needed to start up the network device but does not explicitly teach the configuring of a network to include the network device in a private virtual local area network (VLAN) and re-configuring the network to remove the network device from the private VLAN. However, in related art, Iijima teaches a virtual local area network configuration system wherein a network device can be easily connected and removed from a VLAN utilizing appropriate alteration requests which aid in the configuration of a network device new to a VLAN (col. 2, ll. 13-24). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the network alteration device capabilities taught by Iijima with the boot loading network device

functions outlined by Zimmerman. One of ordinary skill in the art would have been motivated to incorporate the teachings of Iijima with Zimmerman wherein Iijima teaches the need to enhance the setting of configuration data for network devices in a VLAN.

29. Regarding claim 26, Zimmerman and Iijima teach the apparatus wherein the first boot data is a first boot loader script and the second boot data is a second boot loader script (col. 5, ll. 52-56, different streaming modules).

30. Regarding claim 27, Zimmerman and Iijima teach the apparatus wherein the one or more computer programs include an operating system (col. 3, ll. 28-31, operating system code).

31. Regarding claim 28, Zimmerman and Iijima teach the apparatus step of selecting the image data to be supplied to the network device based upon provisioning criteria (col. 3, ll. 25-31).

32. Regarding claim 29, Zimmerman and Iijima teach the apparatus steps of:

supplying, over the network, the first boot data to a second network device that is different than the network device, wherein processing of the first boot data by the second device during a first startup of the second network device causes the second network device to execute the provisioning process over the network (col. 5, ll. 52-58, stream to multiple clients);

instructing the provisioning process to supply second image data to the second network device, wherein the second image data is different than the first image data and includes one or more other computer programs (col. 5, ll. 52-58, stream to multiple clients); and

supplying the second boot data to the second network device, wherein processing of the second boot data by the second network device during a second startup of the second network device causes the second network device to execute at least one of the one or more other computer programs contained in the second image data (col. 5, ll. 52-58, stream to multiple clients).

33. Regarding claim 30, Zimmerman and Iijima teaches the apparatus wherein the step of instructing the provisioning process to supply image data to the network device over the network includes instructing the provisioning process to cause the image data to be retrieved from an image data repository and supplied to the network device over the network (col. 5, ll. 52-58, stream from server location).

34. Claims 6, 7, 15, 16, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman and Iijima in view of Miyamoto et al. (US 7,069,428 B2), hereinafter referred to as Miyamoto.

35. Regarding claim 6, Zimmerman and Iijima teach the supplying of boot data to a client device from a remote location as outlined above but to do not explicitly teach the use of dynamic host configuration protocol (DHCP). However, in related art, Miyamoto teaches a system for transferring boot-up software utilizing DHCP over a network link (col. 2, ll. 13-19). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teaching of DHCP by Miyamoto with Zimmerman and Iijima. One of ordinary skill would have been motivated to make this combination because DHCP is deemed a common protocol within the realm of networking arts.

36. Regarding claim 7, Zimmerman, Iijima and Miyamoto teach the method wherein the first boot data is supplied to the network device over the network in a payload portion of a dynamic host configuration protocol (DHCP) reply generated and sent to the network device in response to receiving a DHCP request from the network device over the network (Miyamoto, col. 2, ll. 13-19).

37. Regarding claim 15, Zimmerman and Iijima teach the supplying of boot data to a client device from a remote location as outlined above but to do not explicitly teach the use of dynamic host configuration protocol (DHCP). However, in related art, Miyamoto teaches a system for transferring boot-up software utilizing DHCP over a network link (col. 2, ll. 13-19). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teaching of DHCP by Miyamoto with Zimmerman and Iijima. One of ordinary skill would have been motivated to make this combination because DHCP is deemed a common protocol within the realm of networking arts.

38. Regarding claim 16, Zimmerman, Iijima and Miyamoto teach the method wherein the first boot data is supplied to the network device over the network in a payload portion of a dynamic host configuration protocol (DHCP) reply generated and sent to the network device in response to receiving a DHCP request from the network device over the network (Miyamoto, col. 2, ll. 13-19).

39. Regarding claim 24, Zimmerman and Iijima teach the supplying of boot data to a client device from a remote location as outlined above but to do not explicitly teach the use of dynamic host configuration protocol (DHCP). However, in related art, Miyamoto

teaches a system for transferring boot-up software utilizing DHCP over a network link (col. 2, ll. 13-19). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teaching of DHCP by Miyamoto with Zimmerman and Iijima. One of ordinary skill would have been motivated to make this combination because DHCP is deemed a common protocol within the realm of networking arts.

40. Regarding claim 25, Zimmerman, Iijima and Miyamoto teach the method wherein the first boot data is supplied to the network device over the network in a payload portion of a dynamic host configuration protocol (DHCP) reply generated and sent to the network device in response to receiving a DHCP request from the network device over the network (Miyamoto, col. 2, ll. 13-19).

Response to Arguments

41. Applicant's arguments filed 26 August 2008 have been fully considered but they are not persuasive.

42. With respect to the rejection of claim 4 under 35 USC 102(e) in view of Zimmerman (US 7,321,936), applicant argues (a) that Zimmerman neither discloses or suggests "supplying second boot data to the network device over the network, wherein processing of the second boot data by the network device during a second startup of the network device causes the network device to execute at least one of the one or more computer programs contained in the image data."

(a) With respect to argument (a), the examiner respectfully disagrees. As set forth in the rejection, Zimmerman teaches the supplying of boot data to a network

device in column 3, lines 18-33. Zimmerman teaches the supplication of boot image data from a server to a client system, the boot image data utilized to bring a client to a usable state. The boot image data is utilized and necessary for subsequent startup processes in terms of rebooting processes (col. 3, ll. 21-22) including the usage of operating system files which reads on the claimed aspect of processing second boot data. Zimmerman teaches further on the aspect of ‘second boot data’ and ‘second startup’ in column 3, lines 28-33 wherein Zimmerman teaches the facilitation of downloading additional emulation code which in turn downloads additional portions of disk image data. Zimmerman teaches further in column 3, lines 40-48 the utilization of a hibernation file that is used for fast booting a client PC. The fast booting of the client PC utilizing a hibernation file is not considered to be a 'first' startup process and must be a second or subsequent startup process and therefore also teaches within the scope of applicant's "second startup of the network device." Therefore, the cited portions of Zimmerman are found to be within the scope of the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Ailes whose telephone number is (571)272-3899. The examiner can normally be reached Monday-Friday, 5:30-8:30AM, 1:00-6:00PM, IFP Hoteling schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. A./
Examiner, Art Unit 2442

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442